IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 21ST JULY 2006 / 30TH ASHADHA,1928

Bail Appl..No. 4403 of 2006()

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CMP.1027/2006 of J.M.F.C., HARIPAD
(CRIME NO.14/2006 OF KARTHIKAPPALLY EXCISE RANGE)

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PETITIONER/ACCUSED:

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KALI BHASKARAN, S/O. KALI
KERAKA THEKKATHIL VEEDU, KADAVOOR MURI,
CHETTIKULANGARA PANCHAYAT,
WARD NO.1, KANNAMANGALAM VILLAGE,
MAVELIKARA.

BY ADV. SRI.C.SUNIL KUMAR

RESPONDENTS: STATE & COMPLAINANT:

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1. STATE OF KERALA, REP. BY ITS
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
KOCHI-31.

2. THE EXCISE INSPECTOR,
KARTHIKAPALLY EXCISE RANGE, ALAPPUZHA DISTRICT.

BY PUBLIC PROSECUTOR K. RAVIKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 21/07/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

**J.M.JAMES, J.**

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**B.A.4403/2006**

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**DATED THIS THE 21ST DAY OF JULY, 2006**

**O R D E R**

The petitioner came before this Court for bail, at the first instance. But on recording the statement of the Public Prosecutor that he is the accused in C.R.No.14/2006 of Karthikappally Excise Range and he committed the offence in C.R.No.96/2006, the case in hand, the bail application was dismissed. Thus, the second bail application, now filed by the petitioner, on the ground that the petitioner is aged 72 years and the he is not able to stand up himself and also that he is having a lot of ailments. The learned counsel Mr.C.Sunil Kumar submits that a sympathetic consideration may be given to this very aged person and without strictly adhering to Section 41A of the Abkari Act, the petitioner may be released on bail, imposing such conditions, so that the authorities could supervise him, while on bail.

2. I heard the learned Public Prosecutor. The materials on record show that the petitioner was arrested on 8.6.2006, with one liter of illicit arrack. Hence,

Karthikappally Excise Range officials had registered C.R.No.96/2006, under Section 8(1) and 8(2) of the Abkari Act. On going through the facts that are involved in this case, and also the defects of this person, and considering the submissions of the learned counsel, as an extraordinary case, I grant bail and release the petitioner from jail, subject to the following conditions:-

(a). The petitioner shall execute a bond for Rs.25,000/-, with two solvent sureties, each for the like sum, to the satisfaction of the Judicial Magistrate of First Class-I, Harippad.

(b). The petitioner shall report before the Inspector of Karthikappally Excise Range, once in a week on every Thursday, between 10.00 a.m and 11.00 a.m., for a period three months, starting from 27.7.2006.

**J.M.JAMES**
**JUDGE**

mrcs